

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

(1)	ROCHELLE KING	)	
		)	
	Plaintiff,	)	
		)	
v.		)	
		)	Case No. CIV-21-131-HE
(1)	ISS FACILITY SERVICES, INC.	)	
		)	
	Defendant.	)	

**NOTICE OF REMOVAL OF CIVIL ACTION**

Pursuant to 28 U.S.C. sections 1332, 1441, and 1446, defendant ISS Facility Services, Inc. (“ISS”) files this notice of removal of this matter from the District Court of Oklahoma County, Oklahoma, to the United States District Court for the Western District of Oklahoma. This Court has subject matter jurisdiction to adjudicate claims with respect to properly joined parties with complete diversity and amounts in controversy exceeding \$75,000.

In support of removal, ISS states the following:

1. This personal injury action is presently pending in the District Court of Oklahoma County, Oklahoma, captioned *Rochelle King, v. ISS Facility Services, Inc.* Case No. CJ-2021-178 (the “Action”), which was filed on January 14, 2021. The Action is removable because there is diversity of citizenship between the properly joined parties and the amount in controversy exceeds \$75,000, exclusive of interests and costs.

2. This Notice of Removal is timely filed because it is filed within 30 days after service of a copy of the initial pleading setting forth the claim for relief upon which such action is based. *See* 28 U.S.C. § 1446(b). ISS was served with process on January 19, 2021.

3. This action is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. section 1332, and which may be removed pursuant to 28 U.S.C. section 1441.

4. This action involves a controversy between citizens of different states.

5. Per Local Rule 81.2(a), Exhibit 1 is a true and correct copy of the state court docket sheet. Per 28 U.S.C. § 1446(a), a copy of all process, pleadings, orders and other documents on file in the State Court as of this date are attached hereto and are incorporated herein by reference, including:

- a. Exhibit 2, a filed-stamped copy of the Entry of Appearance;
- b. Exhibit 3, a filed-stamped copy of the Petition;
- c. Exhibit 4, a file-stamped copy of Return of Service; and
- d. Exhibit 5, a file-stamped copy of Special Entry of Appearance and Reservation of Time to Plead or Answer.

6. Plaintiff Rochelle King (“King”) was a citizen and resident of Oklahoma at the time of the incident giving rise to King’s claims. *See* Petition at ¶ 1, attached as Exhibit 3.

7. ISS is incorporated in the State of Delaware and maintains its principal place of business and “nerve center” in San Antonio, Texas. Accordingly, for purposes of diversity jurisdiction, ISS is a citizen of both Delaware and Texas. 28 U.S.C. § 1332(c)(1). *See* Exhibit 3 at ¶ 1 (“Defendant is a foreign for profit business corporation...”).

8. District courts have original jurisdiction of all civil actions where the amount in controversy exceeds the sum or value of \$75,000 and where the action is between the citizens of different states. 28 U.S.C. § 1332. Based on the allegations of King’s Petition, the amount in controversy, exclusive of interests and costs, exceeds \$75,000. *See* Exhibit 3 at ¶ 31.

Specifically, King alleges loss of earnings in the approximate amount of \$28,436.20 and medical bills in the amount of \$129,818.53. See Exhibit 3 at ¶ 28.

9. Pursuant to 28 U.S.C. § 105(b)(5), the United States District Court for the Western District of Oklahoma, is the appropriate court for filing this Notice of Removal from the District Court of Oklahoma County, Oklahoma.

10. A copy of this Notice is being filed with the Clerk of the District Court of Oklahoma County, Oklahoma. ISS is also providing prompt written notice of the filing of this Notice to counsel for King.

11. Pursuant to the requirements of § 1441 and 1446, all of which ISS has complied with, this action is removable to the United States District Court for the Western District of Oklahoma.

WHEREFORE, this action is hereby removed from the District Court of Oklahoma County, Oklahoma, to the United States District Court for the Western District of Oklahoma.

Respectfully submitted,

/s/ Thomas R. Kendrick

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*Counsel for defendant ISS Facility Services, Inc.*

**CERTIFICATE OF SERVICE**

☒ I hereby certify that on February 18, 2021, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

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*Counsel for plaintiff*

/s/ Thomas R. Kendrick  
*Attorney for defendant ISS Facility Services, Inc.*